

State of Utah
Title and Escrow Commission Meeting
Meeting Information

Date: February 12, 2009

Time: 9:00am

Place: Teleconference

Call in #: 1-866-899-5399

Room #: *5383803*

Members

Commission Members

(Attendees=x)

xChair, Canyon W. Anderson, *Davis Cnty*

xDavid M. Lattin, *Salt Lake Cnty*

xGlen W. Roberts, *Utah Cnty*

xGarry M. Goodsell, *Iron Cnty*

xJerry M. Houghton, *Tooele Cnty*

Department Staff

xJohn E. "Mickey" Braun, Jr.
Ass't Commissioner

xPerri Babalis
AG Legal Counsel

x Mark Kleinfield
Admin. Law Judge

Tammy Greening
MC Examiner

xSuzette Green-Wright
MC Director

xSheila Curtis
MC Examiner

Sandra Halladay
MC Examiner

xJilene Whitby
PIO/Recorder

Public

Ann Callie
Jeff Bridgeforth
Cathy Smith
Rod Newman
Marta Johnson

Kim Smith
Clayton Hansen
James Seamon
Mark Newman
Callie Piper

Roy Spriggs
Glenda Loveless
Scott & David Cope
Susan Welch
Kevin Distefano

Bob Elliott
Mark Nelson
Kevin Pinder
Cort Ashton
Susan Houghton

MINUTES

General Session – 9:06am (*Open to the Public*)

- **Welcome and Introductions** / Canyon Anderson, Chair
- **Administrative Proceedings Action**
 - **Stipulation and Order:**
 - Rick C. Gates - Order on Hearing, Ecase 2193 & 2302.
Garry made a **motion** to approve the Order denying the renewal of Rick's marketing license application request, Jerry second it and the vote was unanimous.
 - Michelle McGuire Jensen - Order to Show Cause, Ecase 2250.
Respondent failed to obey prior Order to pay a forfeiture. Her license was revoked and she was required to pay an additional forfeiture. Garry made a **motion** to approve the department's Order and asked Mark to act for them in the February 26 hearing. Glen seconded the motion and the vote was unanimous. **Results of the hearing should be available at the March meeting.**
- **Old Business**
 - **Concur with Changes to Lot Reservation Bulletin**
Garry suggested changing the word "builder" to "developer/seller" throughout the rule. Suzette suggested changing "title companies" to "title producers." In third paragraph, 4 and 5th lines delete the words, "a purchase price for the lot and." In the 5th line replace "will" with "shall." Jerry made the **motion** to accept the bulletin with these changes, David seconded it and the vote was unanimous. **Canyon asked that bulletin be published.**

- **Concur with Request for Agency Exemption - Jeffrey Scott Breglio**
Glen made a **motion** to concur with the department's recommendation to grant an exemption. Garry seconded the motion and the vote was unanimous.
- **New Businesses**
 - **Discuss R592-13**
 - The legislature has concerns about this rule. Glen reported on a meeting he participated in on Monday with legislators and lobbyists regarding this rule. They question our authority to pass such a rule. It appears to price-fix and be anti-competitive. The Commission suggested making changes to the rule. Glen suggested involving those with concerns about the rule in making changes to it. During the Monday meeting those opposing the rule considered amending the code that requires those doing escrow to make a profit and removing the Title Commission's authority. Canyon said they were also concerned about not being able to file a deviation from the minimum.
 - The Commission discussed the procedures to amend and repeal the rule. Glen said that some of the opposition wants the rule repealed now. Mickey said it would take the same amount of time to repeal as to put it into effect. The other possibility is to re-open the rule and amend it. April 22 is the hot date to repeal or make changes to it. Jerry and Garry were against repealing or delaying the rule. It was noted that if the statute was enforced the escrow fees would be higher than the minimum fee. Title fees have subsidized the escrow costs in the past. A small title business owner did not think builders knew how much it cost them to do their business. Another participant said they had received nasty emails from realtors regarding this issue. Another said that Utah's fees were lower than most other states he did business with like Idaho, Arizona, CA, and New Mexico. Colorado requires agents pay for doc prep costs.
 - Jerry made a **motion** to leave the rule as it was and not delay it or repeal it, but invite those in opposition to bring their ideas to the table for discussion and incorporation. Garry seconded the motion and the vote was unanimous.
- **Other Business from Committee Members**
At-Large Position on the Commission / Glen
Glen and Al Newman suggested inviting someone from the real estate industry to fill the at-large open position on the Commission. David's spot expires in June. Jerry said it should be open to the public. The Governor's office makes the decision. Glen noted that in the past the Real Estate Board has included representatives from the title industry. Mickey said they might want to invite Realtors and Builders to the next meeting.
- **Adjourn:** 10:09am
- **Next Meeting:** March 9, 2009, 9a.m., Alcoholic Beverage Control Building, 1625 S. 900 W.

2009 Meetings

Mar 9	Apr 13
May 11	Jun 8
Jul 13	Aug 10
Sep 14	Oct 19
Nov 9	Dec 14